



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the application of  
Burbank et al.

For: TISSUE ACQUISITION SYSTEM AND  
METHOD OF USE

Serial No.: 09/981,525

Filed: October 16, 2001

Atty. Docket No.: R0367.00401

) Examiner: Not yet assigned

) Group Art Unit: 3736

**TRANSMITTAL****CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that these papers are being deposited with the U.S. Postal Service as first class mail with sufficient postage addressed to office of  
Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8/28/03 in San Francisco, CA.

By: [Signature]

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are
  - X Petition under 37 CFR §1.78(a)(6)(iii) For Amending An Application For An Unintentional Delayed Priority Claim;
  - X Change Of Correspondence Address; and
  - X A self-stamped return receipt postcard.

2. Fees Due

- X Petition fee, 37 CFR§1.17(t), \$1300.

2. Payment of Fees

- X The Commissioner is authorized to charge any fees due and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367.00401.  
**A duplicate copy of this transmittal is enclosed.**

Respectfully submitted,

By: [Signature]

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

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One Market, Spear Tower, Ste 2000  
San Francisco, CA 94105  
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OFFICE OF PETITIONS



PATENT

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By: [Signature]

**PETITION UNDER 37 C.F.R. §1.78(a)(6)(iii) FOR AMENDING  
AN APPLICATION FOR AN UNINTENTIONAL DELAYED PRIORITY CLAIM**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition under 37 C.F.R. §1.78(a)(6)(iii) upon which to include priority claim of provisional application Serial No. 60/076,973, filed March 3, 1998, in the above-identified application. On April 5, 2003, Applicants requested a corrected filing receipt for inclusion of priority claim of Serial No. 60/076,973, filed March 3, 1998 based upon reliance of 37 C.F.R. 1.53(b). The Patent Office in their On Petition, mailed August 5, 2002, dismissed Applicants' request due to Applicants' reliance upon the incorrect regulation and also for failure to meet the statutory fee requirement. On September 25, 2002, Applicants petitioned again the Patent Office for reconsideration based upon what Applicants deemed as additional pertinent information. The Patent Office dismissed Applicants' second request in the On Petition mailed June 27, 2003; however, providing applicants with additional explanation for the dismissal. To

COMMUNICATIONS SECTION, AUGUST 28, 2003 OFFICE

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overcome Applicants' previous errors, Applicants hereby petition under 37 C.F.R.

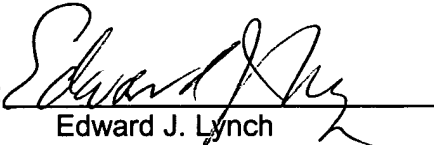
§1.78(a)(6)(iii), and state that the entire delay between the date the priority claim was due and the date of this petition for priority was inadvertent and unintentional.

Furthermore, the fee under 37 C.F.R. 1.17(t) for this petition of \$1300 should be charged to Deposit Account No. 04-1679, referencing Atty. Docket No. 04-1679.

Please note that concurrently for filing herewith is **Change Of Correspondence**

**Address.**

Respectfully submitted,

By:   
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

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